App F IX-4

Ref to all previous

(1934-35 Pol)

File No 47

Serial Nos. 96

Later References

PRESERVED

# GENERAL AND REVENUE SECRETARIAT.

Serial No

Part B for Dec 34

SUBJECT

Papers relating to the enforcement of Tax on advertisements displayed in the City of Perth

W D & H O Ltd—G T B—11,000—F Pol

16.4.35

1678

The Palace,
Mysore, 11th October 1933

DEWAN'S OFFICE
229
13 OCT 1933

My dear Mirza,

In returning herewith your file No 179 of the 10th instant on the subject of the proposal of the Bangalore City Municipality to levy a tax on advertisements displayed in the City, I write to advise you that I have just received from Western Australia certain papers relating to the imposition of a similar tax in the City of Perth which I had obtained at the request of Mr Krishna Rao to whom I suggested last July that some control should be exercised over the display of advertisements

I have only had time to glance through the Perth by-laws, but from what I have seen of them I think you will find that they are on very practical lines

Yours sincerely

WEB/GS.

ALL COMMUNICATIONS TO BE ADDRESSED TO TOWN CLERK

TELEPHONES B 3115 B 3116 B 3171 B 4180

Please quote this number in your reply

# City of Perth

Municipal Offices
207 Murray St Perth
(GPO Box C120)

7th September, 1933

The Private Secretary to His Highness the
Maharaja of Mysore,
Vasantha Mahal,
MYSORE INDIA

Dear Sir,

In reply to your letter of the 16th ultimo, I beg to say that this Council's by-laws in respect to the control of advertising hoardings are made by virtue of the powers contained in the Municipal Corporations Act, 1906, and the Town Planning and Development Act, 1928 I regret that the Municipal Act is out of print, but I send you, under separate cover, a copy of the Town Planning Act, as well as of our latest by-law You will notice that under this by-law no new hoardings may be erected, and hoardings fronting reserves, as set out in Part 2 of Schedule 9, are to be removed after 31st October, 1935

The existing hoardings have been erected under a former by-law which provided that they should be set back from the street a distance of not less than the height of the hoarding Hoardings erected at corners were also required to be rounded off or splayed off to the full height, as might be required by the Building Surveyor Further, the maximum height of a hoarding was limited to 21 ft As these conditions will probably interest you, I enclose copy of the former by-law, which has been repealed

Yours faithfully,

TOWN CLERK.

5781 L112.

File ... of 193 | General and R Secretaria

Letter no 9 Do 6 dated 5th July 1932 from the Secretary, Bangalore city relating to the literature relating to the levy of a tax on advertisements in the city of Delhi

Submitted for orders

7/7/32 AM 7/7

This matter pertains to rejection of the levy of advertisement tax in the Bangalore City Mcp

AM 11/7

The papers may be recorded. The proposal of the Bangalore city Municipality was returned for revising the rules and resubmitting the proposals.

Rom 1/12 AM 4/12

AM 4/12 Matter filed

Note Record

AM 4/12

12th October 1933

H82 683

My dear Sir Charles,

Many thanks for your D O letter No 9 of the 11th instant enclosing some literature relating to the levy of a tax on advertisements in the City of Perth It will certainly be of help to us in connection with our scheme for the imposition of a similar tax on advertisements displayed in Bangalore City

Yours sincerely,

Sdm M J

Sub
12/10

Sir Charles Todhunter, K C S I ,
Private Secretary to His Highness
the Maharaja of Mysore,
M Y S O R E

Appendix F G—1]

SUBJECT

Diary No of letter replied to L 1678

General and Revenue Secretariat

( mil )

the 193

Date of issue 19/10/33

Signed by Mr A Subba Rao

List of enclosures

Copied by

Examined by

Section mil

File No

Serial No

No L 2540/ancs (2 booklets + 3 leaflets)

To

The municipal Commr

Bangalore city

(thro Government)

Sir

I am directed to forward herewith for information and return, same literature ~~papers~~ relating to the levy of a Tax on advertisement ~~in force~~ in the city of Perth, Australia

I have the

Asst 17/10 Secretary Secy to Govt

AS

MC 47-84-96

CITY MUNICIPAL OFFICE

No G To 6 Encls some literatures Bangalore City Dated 5th July 1934

FROM P H KRISHNA RAU ESQ M A
MUNICIPAL COMMISSIONER
Bangalore City

112

5 JUL 1934

7 JULY 1934

TO

R RangaRao, Esq , B A , B L ,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

Sir,

With reference to your letter No L 2540 dated the 19th October 1933 forwarding for information and return some literature relating to the levy of a tax on advertisements in the City of Perth, Australia, I have the honor to return them as desired

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner

R2 6/7/34

THE CITY OF PERTH—BY-LAW No. 40

*Regulating Advertising Signs and Illuminated Signs*

3 1/4

The Municipal Council of the City of Perth at a meeting held on the 28th day of July 1933 hereby makes the following By-law pursuant to the powers conferred upon it by the City of Perth Act 1898 and the Local Government Act 1960 and all other powers enabling it in that behalf.

1. This By-law may be cited as the By-law No. 40 and shall come into operation on the date of publication thereof in the Government Gazette of the State.

2. In this By-law—

(a) Advertising sign means any hoarding, board, screen, wall, fence, roof, frame, pillar, post or other erection or structure used or intended to be used for the purpose of displaying any bill, poster, notice, painting, device or other advertisement visible from any street or public place;

(b) Approved means approved by the Building Surveyor;

(c) Building Surveyor means the Building Surveyor of the City of Perth;

(d) Council means the Municipal Council of the City of Perth;

(e) Illuminated sign means any sign which is illuminated by any artificial light, whether such light is attached to the sign or not, and includes any sign which is illuminated by the reflection of any artificial light;

(f) Municipality means the City of Perth;

(g) Occupier includes any person who is in occupation of any land, building or premises within the Municipality and includes any person who has the care, management or control thereof;

(h) Owner includes any person who is in receipt of the rent of any land, building or premises within the Municipality or who would be in receipt of the rent thereof if the same were let to a tenant.

PART I—SIGNS

3. No person shall erect, construct, place or maintain any advertising sign or illuminated sign on any land, building or premises within the Municipality without the approval of the Council.

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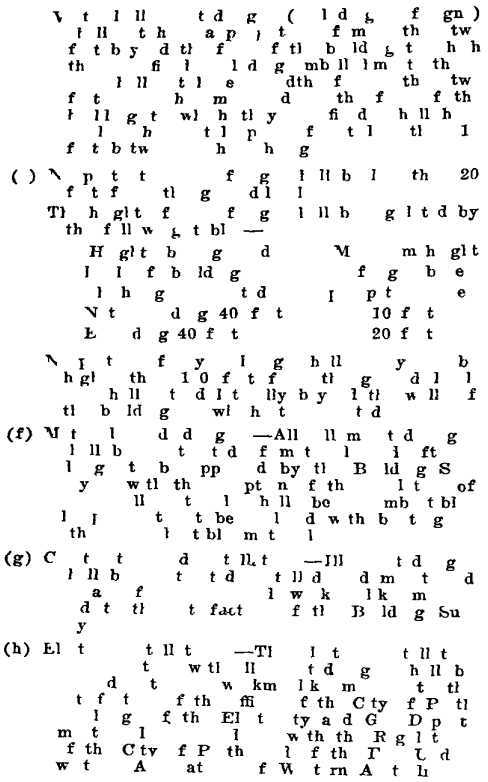

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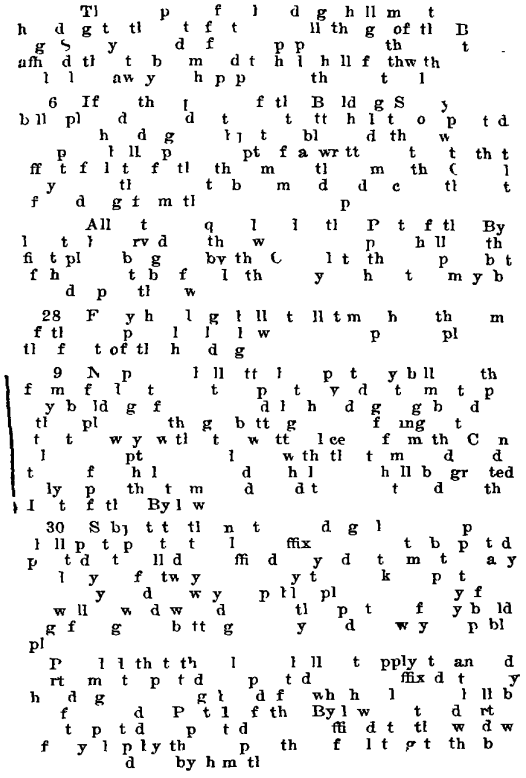

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CITY OF PFRTH

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(Sgd) ALEX M CALLUM

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WESTERN AUSTRALIA

# TOWN PLANNING AND DEVELOPMENT

19 GEO V No XXXIX

---

No 39 of 1928

**AN ACT relating to the Planning and Development of Land for Urban Suburban and Rural purposes**

[ *Assented to 28th December* 1928 ]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled and by the authority of the same as follows —

Short title and commencement

1 This Act may be cited as the *Town Planning and Development Act* 1928 and shall come into operation on a date to be fixed by proclamation

Interpretation

2 In this Act unless the context otherwise requires —

Board means the Town Planning Board

Commissioner means the Town Planning Commissioner appointed by the Governor

District means a municipal district or a road district

Land includes land tenements and hereditament and any interest therein and also houses buildings and other works and structures

Local authority means the Council of a Municipality or the Board of a Road District

Minister means the Minister for Works or other Minister of the Crown charged for the time being with the administration of this Act

Cf N.Z. No. 52 of 1926 s. 2

Responsible authority means the local authority responsible for the enforcement of the observance of a scheme or for the execution of any works which under a scheme or this Act are to be executed by a local authority

S.A. s. 4.

Town planning means either city town suburban or rural planning and development or all four

## PART I — TOWN PLANNING

Town Planning Commissioner.

Cf. N.Z. No. 52 of 1926 s. 5

**3** (1) The Governor may appoint a person skilled in town planning as the Town Planning Commissioner who shall be appointed for a term not exceeding five years but shall be eligible for re appointment at the expiration of his term of office

(2) The Commissioner shall receive such salary as may from time to time be appropriated by Parliament for the purpose

Town Planning Board.

**4** (1) There shall be a Board to be called the Town Planning Board

(2) The Board shall consist of the Commissioner who *ex officio* shall be a member and the chairman of the Board and three other members to be appointed by the Governor such members being an architect an engineer or a surveyor and a person appointed by reason of his qualification in the business matters to be dealt with by the Board

(3) The members of the Board other than the Commissioner shall be appointed for a period of three years and shall be eligible for re appointment or may be removed from office by the Governor for disability neglect of duty or misconduct or may at any time resign by writing addressed to the Minister

(4) The Governor may appoint a qualified person to fill any casual vacancy in the membership of the Board and the person so appointed shall hold office for the unexpired portion of the term of his predecessor

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof

(6) The members of the Board other than the Commissioner shall be paid such allowances as prescribed and all travelling expenses reasonably incurred by them in respect of their attendance at meetings of the Board and in transacting the business thereof

(7) At all meetings of the Board three members shall constitute a quorum.

(8) In the event of the absence of the Commissioner from any meetings of the Board the members present shall select one of their number to be the chairman for the purposes of that meeting.

(9) At any meeting of the Board the decision of a majority of the members present shall be the decision of the Board and the chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.

(10) Subject to the regulations under this Act the Board may regulate its own proceedings.

Functions of Board.

5. The functions of the Board shall be to advise the Minister in the administration of this Act and to hold such inquiries and do all such matters and things as are in the Act and the regulations provided for in that behalf or as may otherwise be properly required of it or as may be necessary for effective administration under the Minister of this Act.

Town planning schemes.
Cf. N.Z. No. 52 of 1926 s. 3.

6. (1) A town planning scheme may be made in accordance with the provisions of this Act with respect to any land with the general object of improving and developing such land to the best possible advantage and of securing suitable provision for traffic transportation disposition of shops residence and factory areas proper sanitary conditions and convenience parks gardens and reserves and of making suitable provision for the use of land for building or other purposes.

(2) With those objects the scheme may provide for planning replanning or reconstructing the whole or any part of the area comprised in the scheme.

Preparation of scheme.
Cf. N.Z. No. 52 of 1926 s. 13.

7. (1) A local authority may prepare a town planning scheme with reference to any land within its district or with reference to land within its district and other land within any adjacent district or may adopt with or without modifications any such scheme proposed by all or any of the owners of any land with respect to which the local authority might itself have prepared a scheme.

(2) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved

by the Minister who may refuse to approve any scheme or may refuse to approve a scheme except with such modifications and on such conditions as he may think fit

(3) A town planning scheme when approved of by the Minister and published in the *Gazette* shall have full force and effect as if it were enacted by this Act

(4) A town planning scheme may be varied amplified or revoked by a subsequent scheme prepared or adopted by the local authority and approved by the Minister and published in the *Gazette*

8 (1) The Minister may by regulation prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes and in particular for dealing with the matters set out in the First Schedule to this Act and the general provisions or set of general provisions appropriate to the area for which a town planning scheme is made shall take effect as part of every scheme except so far as provision is made by the scheme as approved by the Minister for the variation or exclusion of any of those provisions

(2) Special provision shall in addition be inserted in every town planning scheme—

(a) defining in such manner as may be prescribed by regulations under this Act the area to which the scheme is to apply and

(b) defining the local authority to be responsible for enforcing the observance of the scheme and for the execution of any works which, under the scheme or this Act are to be executed by a local authority (in this Act referred to as the responsible authority) and

(c) providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding or varying the general provisions and also dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions

(3) Where land included in a town planning scheme is in the districts of more than one local authority or is in the

district of a local authority by which the scheme was not prepared the responsible authority may be one of those local authorities or for certain purposes of the scheme one local authority and for other purposes of the scheme another local authority

Regulations as to procedure
Cf N Z No. 52 of 1926 s. 35

9 (1) The Minister may make regulations for regulating the procedure to be observed—

(a) with respect to the preparation or adoption of a town planning scheme and

(b) with respect to obtaining the approval of the Minister to a scheme so prepared or adopted and

(c) with respect to the variation or revocation of a scheme and

(d) with respect to any inquiries reports notices or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof or the variation or revocation of the scheme

(2) Provision shall be made by such regulations—

(a) for securing that notice of the proposal to prepare or adopt a scheme shall be given at the earliest stage possible to any local authority interested in the land and

(b) for securing that the local authority of the district in which any land proposed to be included in a scheme is situated shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made and that such local authority shall be entitled to be heard at any inquiry held by the Minister in regard to the scheme

Responsible authority may remove certain buildings, &c.
Cf N Z No. 52 of 1926 s. 34

10 (1) The responsible authority may at any time after giving such notice as may be prescribed by a town planning scheme and in accordance with the provisions of this Act—

(a) remove pull down or alter any building or other work in the area included in the scheme which has been commenced or continued after the

approval of the scheme and which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with and

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the responsible authority that delay in the execution of the work would prejudice the efficient operation of the scheme

(2) Any expenses incurred by the responsible authority under this section may be recovered from the person in default in such manner and subject to such conditions as may be provided by the scheme

(3) If any question arises whether any building or work contravenes a town planning scheme or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work such question shall be referred to the Minister as arbitrator and the decision of the Minister shall be final and conclusive

Compe
Cf NZ 1916 9 5

**11** (1) Any person whose land or property is injuriously affected by the making of a town planning scheme shall if such person makes a claim within the time if any limited by the scheme (such time not being less than six months after the date when notice of the approval of the scheme is published in the manner prescribed by the regulations) be entitled to obtain compensation in respect thereof from the responsible authority

Provided that a person shall not be entitled to obtain compensation under this section on account of any building erected or any contract made or other thing done with respect to land included in a scheme after the date of the approval of a scheme or after such other date as the Minister may fix for the purpose being not earlier than the date of the approval of the scheme

Provided also that the local authority may make agreements with owners for the development of their land during the time that the town planning scheme is being prepared

(2) Whenever by the expenditure of money by the responsible authority in the making and carrying out of any town planning scheme any land or property is within twelve months of the completion of the work or of the section of the work affecting such land as the case may be increased in value the responsible authority shall be entitled

to recover from any person whose land or property is so increased in value one half of the amount of such increase if the responsible authority makes a claim for that purpose within the time if any limited by the scheme not being less than three months after the date when notice of the approval of the scheme is first published

(3) Where a town planning scheme is altered or revoked by an order of the Minister under this Act any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation from the responsible authority in so far as any such expenditure is rendered abortive by reason of the alteration or revocation of the scheme

(4) Any question as to whether any land or property is injuriously affected or increased in value within the meaning of this section and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority is entitled to recover from a person whose land is increased in value shall be determined by arbitration under and in accordance with the Arbitration Act 1896 unless the parties agree on some other method of determination

Compensation not recoverable in certain cases. (1 N.Z. 1926 s. (2))

**12** (1) Where land or property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme no compensation shall be payable in respect thereof if or so far as the provisions are also contained in any public general or local Act or in any order having the force of an Act of Parliament in operation in the area or are such as would have been enforceable without compensation if they had been contained in by laws lawfully made by the local authority

(2) Land or property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme which with a view to securing the amenity health or convenience of the area included in the scheme or any part thereof prescribe the space about or limit the number of or prescribe the height location purpose dimensions or general character of buildings or any sanitary conditions in connection with buildings or the quantity of land that may be taken for parks or open spaces which the local authority having regard to the nature and situation of the land affected by the provisions considers reasonable for the purpose

(3) When a person is entitled to compensation under this Act in respect to any matter or thing and is also entitled to compensation in respect to the same matter or thing under any other enactment he shall not be entitled to compensation in respect of that matter or thing both under this Act and that other enactment and shall not be entitled to any greater compensation under this Act than he would be under such other enactment

Power to acquire land

**13** The responsible authority may for the purpose of a town planning scheme in the name and on behalf of such authority—

(a) purchase any land comprised in such scheme from any person who may be willing to sell the same or

(b) with the consent of the Governor take compulsorily under and subject to the Public Works Act 1902 any land comprised in such scheme and whether situate within or without the boundaries of the district of such responsible authority

Responsible authority to have powers of owner of land

**14** Subject to the scheme the responsible authority shall have all the powers of an owner in respect to such land and may erect buildings thereon or otherwise improve and make use of same in such manner as the responsible authority may deem best

Responsible authority may grant easements

**15** The responsible authority may grant to any person any easement in upon through under or over any land taken or acquired for town planning purposes subject to such conditions and payments of such rents as the responsible authority may think fit Provided that the grant of such easement shall be subject to revocation without compensation at any time when the responsible authority thinks fit or in case of the breach of any condition under which easement may have been granted

Borrowing powers

**16** (1) A local authority may with the consent of the Governor borrow in addition to the sums which it is authorised to borrow under Part XXIV of the Municipal Corporations Act 1906 or under Part VII of the Road Districts Act

1919 any further sums required for the purposes of this Act or of any town planning scheme including the cost of the preparation and adoption of such scheme

(2) The provisions of the Municipal Corporations Act 1906 or the Road Districts Act 1919 as the case may be shall apply to such loans except those relating to the restriction of the amounts borrowed and except that if and when a poll of owners of rateable land under the Municipal Corporations Act 1906 or of resident owners under the Road Districts Act 1919 as the case may be is held the local authority shall be at liberty to proceed with the loan unless forbidden to do so by a majority of the votes recorded at such poll and any demand that the proposal be submitted to a vote of the owners or resident owners of rateable land shall be signed by not less than one per centum of the persons for the time being enrolled on the electoral roll for the municipality or road district as the case may be

Application to Minister to determine between local authorities

17 (1) The Minister may order that any part of the expenses incurred by a local authority under this Act or under any scheme made under this Act shall be borne by some other local authority and the amount so ordered shall thereupon be deemed to be a debt due to such local authority by such other local authority

(2) In fixing the amount to be borne by such other local authority the Minister shall have regard to the proportion of the expenses incurred in respect of anything done within the district of such other local authority in relation to a scheme under this Act and the ratio of such proportion to the whole expense under this Act in relation to the scheme and such other matters as are prescribed

(3) There shall be an appeal to the Supreme Court against any order of the Minister under this section subject to the Rules of Court regulating the procedure to be adopted for the purpose of any such appeal

Obligation to prepare and adopt town planning scheme

18 (1) If the Minister is satisfied on any representation that a local authority—

Cf. N.Z. 1926 No. 5, 13 Ed. 7, 44 61

(a) has failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made or

(b) has failed to adopt any scheme proposed by owner of any land in a case where a town planning scheme ought to be adopted or

(c) has refused to consent to any modifications or conditions imposed by the Minister —

the Minister may as the case requires order the local authority to prepare and submit for the approval of the Minister a town planning scheme or to adopt a scheme or to consent to the modifications or conditions so inserted

Provided that where the representation is that a local authority has failed to adopt a scheme the Minister in lieu of making such an order as aforesaid may approve of the proposed scheme subject to such modifications and conditions if any as the Minister may deem fit and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Minister

(2) If the Minister is satisfied on any representation after holding an inquiry that a local authority has failed to enforce effectively the observance of a scheme which has been confirmed or any provisions thereof or to execute any works which under the scheme or this Act the local authority is required to execute the Minister may order the local authority to do all things necessary for enforcing the observance of the scheme or any provision thereof effectively or for executing any works which under the scheme or this Act the local authority is required to execute

(3) Any order under this section may be enforced by mandamus

## Part II—Crown Land

**19** (1) Where any Crown land has been or hereafter shall be set aside or reserved under the Land Act 1898 as town suburban or village land such land shall not be sold leased or disposed of until the Board shall have prepared and the Minister shall have approved or refused to approve a town planning scheme in respect of such land

(2) The Board may prepare a town planning scheme in respect of any such land with the general objects set out in section six hereof and such scheme shall if approved by the Minister and published in the *Gazette* have the same effect as if it had been lawfully prepared by a local authority and approved under section seven

(3) The foregoing provisions of this Act shall so far as the same are consistent and applicable apply to and in respect of any scheme so prepared with the substitution of the Board for the responsible authority

PART III—ALIENATED LAND

20 (1) No person shall lay out grant or convey a street road or way or subdivide or sell land as lots until a plan of subdivision has been approved by the Board

(2) A plan of subdivision of any land shall not be received registered or deposited in the Office of Titles or Registry of Deeds or any other public office for the registration and depositing of such plans whether constituted under the Transfer of Land Act 1893 or otherwise unless such plan shall have been first approved by the Board

(3) A plan containing one lot only shall be deemed a plan of subdivision provided that it is a portion of the land comprised in a certificate of title registered conveyance a Crown grant or a lot on a registered plan

21 (1) A transfer conveyance or mortgage of any piece of land containing less than half an acre in area unless it comprises the whole of one or more lots shown on a plan registered in the Department of Lands and Surveys or in the Office of Titles or Registry of Deeds or comprises the whole of the land the subject of a Crown grant certificate of title or conveyance shall not be received or registered in the Office of Titles or Registry of Deeds unless such transfer conveyance or mortgage shall have been first approved by the Board

(2) The Registrar of Titles shall not receive any application from the registered proprietor of any land to issue in the name of such registered proprietor a certificate of title for a portion of land of a lesser area than half an acre not being the whole of one or more lot shown on a registered plan in the Department of Lands and Surveys or Office of Title or the whole of the land the subject of a Crown grant certificate of title or conveyance unless such application has been approved by the Board

22 (1) Every plan or amended plan of subdivision submitted to the Board for approval shall be accompanied by two copies traced on cloth or such other copy or copies or such duplicate or duplicates as it may determine

(2) The Board shall retain one of such copies or duplicates for reference purposes and shall forward another to the local authority for the district in which the land comprised therein is situate

(3) Every plan shall conform in all respects with the regulations in force in the Office of Titles and the owner of the land shall supply any additional information required by the Board as to levels drainage nature of soil physical features and such other particulars as may be prescribed

23 (1) When in the opinion of the Board the plan or subdivision may affect the powers or functions of any local authority or public body other than the Board or any Government department the Board shall forward the plan or a copy thereof to such local authority public body or Government department as the case may be for objections or recommendations

(2) Any such local authority public body or Government department receiving such plan or copy thereof shall within thirty days forward it to the Board with a memorandum in writing containing objections or recommendation (if any) to the whole or part of such plan

(3) The Board at any time after the expiration of the latest of the periods of thirty days as aforesaid and after consideration of any objections or recommendations (if any) made by any local authority public body or Government department with respect to such plan or particulars as aforesaid may approve or reject such plan and may affix such conditions as the Board may think fit which shall be carried out by the owner before the plan is approved by the Board

24 Where after the erection of a building on land the property of one owner it is found that such building encroaches upon land the property of another owner to the extent of not more than three feet and where the encroaching owner desires to purchase the land upon which the encroachment stands the Board shall upon the application of the owner of the land which is encroached upon and upon being satisfied that there has not been collusion but that everything has been done in good faith without intention to evade the law approve of the necessary subdivision or transfer

Appeal

25 (1) Any person may appeal to the Minister from the refusal of the Board to approve any plan transfer conveyance or mortgage or from the conditions affixed to the granting of such approval and if the appeal is allowed the plan transfer conveyance lease or mortgage shall be received registered or deposited as the Minister may direct The decision of the Minister shall be final

(2) The Minister may award such costs and expenses and make them payable by such person as the Minister may deem just and reasonable and such costs and expenses may be recovered as a debt

Penalty

26 If any person contravenes by act or omission any provisions of this Part of this Act he shall be guilty of an offence and liable to a penalty not exceeding fifty pounds

PART IV—MISCELLANEOUS

Dedication to public of land required for streets

27 (1) When a portion of land is transferred to the Crown or a local authority for the purpose of extending or adding to a public street or road such transferred portion shall be deemed to be dedicated to the public use and to form part of the street or road as and from the date of registration of the transfer in the Office of Titles

(2) When a street or road corner shown on any plan registered in the Office of Titles or in the Department of Lands and Surveys is subsequently rounded off or truncated the portion of land so excised shall form part of the public street or road and from the date of approval of the inspector of plans and surveys is hereby declared to be dedicated to the public use and shall be under the control of the local authority

Fees

28 The Minister may prescribe a set or sets of fees to be charged in respect of anything to be done by the Commissioner or the Board under or in pursuance of this Act and such fees shall be payable by the person at whose request or on whose application such matter is done

Addition to Municipal Corporations Act 1906 and Rating and Distribution Act

29 (1) A subsection is inserted in section one hundred and seventy nine of the Municipal Corporations Act 1906 after subsection (52) as follows —

(53) For carrying into effect all or any of the purposes mentioned in the Second Schedule to the Town Planning Act 1928

(2) Section four hundred and ninety seven of the Municipal Corporations Act 1906 and section seven of the Municipal Corporations Act Amendment Act 1919 are hereby repealed.

(3) A subsection is inserted in section one hundred and ninety six of the Road Districts Act 1919 after subsection (49) as follows —

(50) For carrying into effect all or any of the purposes mentioned in the Second Schedule to the Town Planning Act 1928

(4) Subsections (2) (4) (6) (7) (8) and (9) of section one hundred and fifty five and sections one hundred and fifty six and one hundred and fifty seven of the Road Districts Act are hereby repealed

30 (1) The Governor may make and publish in the *Gazette* uniform general by laws or separate sets of general by laws adapted for areas of any special character for carrying into effect all or any of the purposes mentioned in the Second Schedule to this Act and such by laws shall have the force of law in the district of any local authority which the Governor may from time to time prescribe and shall supersede the by laws made for the same or a similar purpose by the local authority of the district so prescribed and the Governor may at any time repeal any by law made under subsection (53) of section one hundred and seventy nine of the Municipal Corporations Act 1906 or under subsection (50) of section one hundred and ninety six of the Road Districts Act 1919

(2) When any by law made under subsection (53) of section one hundred and seventy nine of the Municipal Corporations Act 1906 or under subsection (50) of section one hundred and ninety six of the Road Districts Act 1919 or under the last preceding subsection of this section is inconsistent with any town planning scheme approved before or after the making of such by law and having effect in the district or in part of the district in which such by law is in force then to the extent of such inconsistency and in the part of the district in which such scheme has effect the provisions of such scheme shall prevail

(3) Where any property is injuriously affected or increased in value by the operation of any by law made under subsection (53) of section one hundred and seventy nine of

the Municipal Corporations Act 1906 or under subsection (50) of section one hundred and ninety six of the Road Districts Act 1919 or under subsection (1) of this section the provisions of section nine of this Act shall apply *mutatis mutandis* as if the by law were a scheme made under this Act and as if the resolution passing a by law were a resolution to prepare or adopt a scheme

31 Nothing in this Act shall be deemed to interfere with the right of His Majesty or the Governor or the Government of the State or a local authority to undertake construct or provide any public work and to take land for the purposes of that work Provided that so far as in the interests of the public it is reasonably possible every such work shall be undertaken constructed or provided and all land taken for the purpose of such work shall be taken in such a manner as to be in keeping with the design and intent of every town planning scheme and so as not to destroy the amenity of any town planning scheme made and approved under this Act and having effect in the district where and at the time when such work is undertaken constructed or provided or such land is taken

Saving.

32 Where the carrying out of any provision of an approved scheme would conflict with any provisions limitations or conditions of or prescribed by any Act the responsible authority may apply to the Governor for an order modifying or suspending the provisions of that Act so far as may be necessary to enable effect to be given to the scheme and thereupon the Governor may in respect of that scheme but not otherwise make an order accordingly for the suspension or modification of such provisions or any of them subject to such conditions and limitations as he thinks fit to impose

Power to suspend certain provisions of the Acts.
*Cf* N Z N 52 of 1936 22 (4)

Provided that an Order in Council purporting to modify or suspend any provisions of any Act shall not take effect unless and until it has been approved by a resolution of both Houses of Parliament

33 Subject to the regulations made by the Minister under the preceding provisions of this Act the Governor may make such further regulations as are necessary to give effect to this Act

34 Except where otherwise provided this Act shall bind the Crown

Act to bind the Crown

## THE FIRST SCHEDULE

### MATTERS WHICH MAY BE DEALT WITH BY GENERAL PROVISIONS

1 St t d d ght f w y g e lly d p t l ly th l l lt t w d g l g d t g g l w g l g g l g g g d g g d g l fy g l fy g m g m t t g t t g m t g p g d g d d w g w g b t fy g g d g a d t pl t g f t t d d ght f w y th j t d t t f t t d ght f w y d th f th the l y g f w p p d w e d th pla g f l mp l mpp t t mw y p l m m t f g t w y p bl g t a d th bj t l d dj e t t t t d and ght f w y

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5 Th bd f l d g ll d p t l y q m t d m d y—

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(d) dj t g d alt g th b d f a y su h l d d
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8 L m t g th mbe f p tm t t em t d ta h d o th
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10 Cl fi t f tl h fo d t l c l d
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f f ct t y g l t s ll d f h ps w
h t t bl d th b ll g d f m al d t l
p p es d fi tl t f b l l g q d f y ha t bl
l g p bl p p f p bl n m t n d p a
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13 P b bl f lw y t w y d l d p l bl
t f b dg d k h b p q l l ght g w t d
g d w g y tl p t p bl w k d t k g th
d by t t t

14 W k ll y t c n q t th h m

15 Th xt t t f y ght f w y m t p bl
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17 l lit f th p t of publ c t l t a d t d g d
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20 P w f th p bl th t t m lt d m l h y
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21 P w of a p bl a th ty t m ke g m t with w
d f w t make ag m t w th th

22 C p t f th p bl th ty a d th ow f l d
d p t b tw w f la d

23 Co p t b tw th p bl th ty a d th G v m t
f th St t th C mm w lth y p bl t t t y b d
th t n l d g C l nd R ad B d

24 Th y f p d n g g ff t t the h m

25 Th c y g t and mpl t n f th h m g ally d
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by wh m by wh h th h me a v p t th f h ll b c d o t
d mpl t d a d t ꝑb e en u ed

26 A y matt with p t t wh h u de th A t agr m t
l t g t a h m m b m l

7 Lım t t f t me f th op tı of a h m

28 A y m tt e ɔ d t l t t pl g ho g
Tl m t f pa t c la matt s th s h d l sh ll t b h ld t
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## THE SECOND SCHEDULE

### MATTER FOR WHICH TOWN PLANNING BY LAWS MAY BE MADE BY A LOCAL AUTHORITY

1 P h g g l d f w th ghf wh h t
d d t l p f f b ld g by g t b tw tl wn of s h
l d d th p bl th ty by p t b tw n tw m
l al th t w th g d t th l w dth d d t f th gh
f wh h t dj t p t f th p t a

2 L t g th l f p t t t m t d t hed o othe
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p d p d g f d q t l ght d t th w d w f h h
d p b g th q m t f bl f th p p f
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th

3 Cl fy g l fy g th a t d t t f d
f t b s t d f v th mme l d t l
p p p d d th t th C l l ll h p we t d l a y d t
a m d d t t f tl mb f a y two m of th cl fi t o

4 P h b t g y d t t p t f t f m b g d f y p
th tl th t f wh h t h be l fi d

5 P b g th h ght l at p p d d m th g
e l h t f b ld g t b ted t t d s f a
bl f p p t y d hyg d t e or
m ty f th t wh h th t wn pla g by l w t pply

6 P h b t g th c y g f y t d m f t
th t f a y b ld ng w th d q t t y g m t
p h b t g l t g th t a d f b ldi g dv t m t
h d g t t f d t g p p wh h h to be
jur us t th am ty t al b ty of th a t wh h th town
pl n by l w t pply

7 P s b g d d t m n g y q m t d m d e y
g d t w bd *ns* o ubd v f y l d ( *map* pl
t p t l th f) t d with th a t wh h t
t d d that th t pl g l y l w h ll ppl l d g d g
d sh p f ll tm t ( p te p l f la d) d c s th t l
f th l fi t o f d th p b g d d t m n g f y r q
m t g d t th l gth *width of* y t t r d ght f w y
d g to th s h st t ad right f w v s l l ly t b p t
d g t th phy l f t s f th l d t g th w th th d g m th d
f e t t d mpl t of l g m t f y t e t d
ght f w y

8 The mak g fi g lt d s t m g f bu ldmg hn
p t f th w dth alignm t f y t e t r d o r ght f w y to
f p a t bl h g g d t th phys al f t e f th te
d th l pths f the t g ubd v o of l d that th d tance b tween
th b ld g to b ted b ildmg l k ly to b c n tructed on the
pp t des of y t et d ght of w y shall not be less than that

fi ed by the by l ws d g to th p p t e t ffic r q m t f
t t ad o gl t f w y a d t l th c of y t t d th
66 f t, m e th n 198 f t e pt p a t to gr em t b tw th
w d th l al a th ty th t the d ta t d 198 f t

9 Lim t g f p p eat g ds o t f p bl c b uld
g by p ha o ag m t b tw ow f l d d the l af
th ty

10 L m t g th h ght at tl e f y t t d ght f w y
of y w ll f h dg t e h b o th r b t t t b g
th d b ld g.

11 P d g f th th ty o th t p ble fo c yi g
th t w pl g by l w nto ff t a d f g th b rv

THE MUNICIPAL CORPORATIONS ACT 1906

*C t f P th*

E C 601 P W 51 3/17

It l l t fi l f g l f r t tl t H
L ll y tl C Co nc l h pp ed f tl
tt l l By l w f tl C ty f P tl a c l
tl tl l f l M p l C porat
A t 1906

C A MUNT
L d S t y t W ks d T d g C e

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THE CITY OF PERTH

*By l A 40*

*Ad t g H d ng*

IN rs f tl p f red by P t VIII f
Th M l l C t A t 1906 th C ty f
Perth l tl l ly d f ll w —

1 Tl foll w g d t d t By-la No
40 —

( ) S t 4 l b a l l by ddmg tl
f ll w w d p d l th t n ca
l ll tl h gl t of y h d g ed t ty
f t Th top f tl h a dmg sh ll b
fi l d l l a l p ded th
c l t t gl t l Th n m
of tl w f th h d y h w b
fi l m l t ly t p f th h d g
t t f th l ngtl

P d b tl C l f tl C ty f P tl th
t th d y f S pt b 191

FRANI R REA
M

[L S ] WM E BOLD
T w Cl k

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R m l l

(Sgd) H B IEFROY
*y M t r f W k*

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Al p d by H E llem th C e o in C
c l th n t th l y f Sep e b 1917

(Sgd) BERNARD PARKER
Cl k of th C cil

## THE MUNICIPAL CORPORATIONS ACT 1906

*C ty f P th*

E C 1904 P W 3436/17

IT h by t fi d f g l f m t o that H E ll y th G n C l h lp d of th tt h d By l w f tl e City of P th ın lan w tl th p f Th M nı pal C p t Act 1906

C A MUNT

U d S t y f W k d T d g C

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## CITY OF PERTH

*Am dme t of Ad tısı g By l ws*

IN p f th p th t b h lf ta l f t VIII f Th M p l C p t A t 1906 th M p l C l f th C ty of P th d tl h by d f ll ws —

1 Th fig 25 h 7 f P t I f By l w \ 40 a h by t k t d th fig 40 b t t t d ın l th of

2 P t 2 f By l w N 40 h by p l d a d the f ll wıng h ll t d ın l th f —

### PART 2

*L ns t tt h Ad rtıs ment t H d g*

No D te 191

Th C ıl f th M pal ty f th C ty of P th d th h by l f to tta h p t p t y b ll othe f m f d t m t p th d t ıng h d g e t d P th T wn L t S b l t t d ın St t P th a e d w th Se t 12 f By l w N 40

C ty B ld g S y

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P s d by th C ıl of th C ty f P th th 18th d y f J 1917

FRANK R REA

[L S] M y

WM E BOLD

T wn Cl k

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R mm d d —

(Sgd) WM J GEORGE

Mın t f W k d T d g C rn

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App d by H E ll cy th G o n E t C l th 11th d y f J ly 1917

(Sgd) BERNARD PARKER

Cl k f th E t C l

## THE MUNICIPAL CORPORATIONS ACT 1906

*City of Perth*

E. C. 3542. F.W. 6606/16.

The Council of the City of Perth hereby gives notice that at a meeting of the Council held on the 19th day of December, 1916, it resolved to make the By-law numbered 40 set forth in the Schedule hereto, and that the Common Seal of the Council was affixed to the said By-law No. 40 in the presence of—

(Sgd.) H. W. STANLEY LOW,
Acting Town Clerk.

(Sgd.) J. T. WALKER,
Acting Town Clerk.

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## CITY OF PERTH

### By-law No. 40

*Relating to Hoarding, Scaffolding, Building Materials, Sheds, Gates, Doors, Windows, Balconies, Verandahs, Awnings, Signs, Blinds, Shutters, Pipes, Gutters, Barrels, Cellars, Vaults, Openings in Footways, Lights, Ventilators, Fanlights, Stallboards, Gratings, Flaps, Trees, Posts, Rails, Fences, Gates, Doors, Steps, Pipes, Wires, Cables, Conductors, Insulators, Transformers, Switchboards, Meters, Lamps, Lamp-posts, Brackets, Globes, Reflectors, Shades, Glass, Metal, Wood, Stone, Brick, Concrete, Asphalt, Tar, Paint, Oil, Varnish, Colour, Whitewash, Limewash, Cement, Plaster, Rendering, Pointing, Jointing, Bedding, Flashing, Coping, Capping, Cornice, Parapet, Gable, Pediment, Finial, Ridge, Hip, Valley, Gutter, Downpipe, Rainwater Head, Overflow, Soil Pipe, Vent Pipe, Trap, Grease Trap, Septic Tank, Cesspit, Drain, Sewer, Manhole, Inspection Eye, Junction, Bend, Elbow, Tee, Socket, Spigot, Faucet, Valve, Cock, Meter, Stopcock, Hydrant, Standpipe, Tank, Cistern, Boiler, Furnace, Chimney, Flue, Hearth, Mantelpiece, Grate, Register, Damper, Ventilator, Skylight, Roof-light

*Penalties for breaches of By laws*

23 Whe e a yth g n th s By law s d ected t be do e o f b dden to be do e or whe e a thor ty is g to a y fi er to d ect a yth g to be do e o to f b d yth g t be d ne a d s ch a t f b dd to b d e d e e y s h cas the p son m k ng defa lt a to h d e t a d p oh b t e pect vely l ll be d med g lty of a b ch f th s By law a d y p o g lty of a b each of th s By law shall be l bl f r e y h off ce be des a y co ts o e p s wh ch m y be ed n the t k g of p c ed g ag t h pe n gu lty f h ff e t a pe lty f T h llıng (10 ) f th fi t b h of th By l w d t a p alty t ceed g Twenty p d f y d g b h of h By l w to l lty ot e d g Tw p ds (£2) fo ach day d g wh s h b e h h ll be mm tted t d a d dd t to s h pe alty hall be l bl t p y t th C l y xpe d by th C l q of a y b each n b a e f y By l w th e t n f y wo k d t d t b t d d t e t d P d d th t th um m pe ry p lty f a y ff n ag t th By l w the th n the fi st off p h ll b t th f th max m m p lty h by pro d d

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*S hedul*

PART 1

Th City of P th

*Lic t e t Ad tısı g Hoa d g*

D te 191

Th C l f the M p l ty of the C ty f Perth h by l f t t a d m t n t l th 31 t d y f O t be 191 Ad t g H dıng n Pe th T w L t b d n st t St t P th ın a c d w th By l w N 25 d Appl t N wh h s b n lodg d w th th City B ld g S eyo

City B ldıng S y

———

PART 2

*L s t èr t Ad rtıs ng H d ng*

No Date 191

Th C l f th M p l ty of the C ty of P th h by l f t d m ta n til th 31 t d y of Oct b l l a Ad ert sı g Hoa dıng on Pe th Tow ub t ate St t Pe th ac d e w th B law No 25 Appl at No wh h has be n l dg d th C ty B ld g S r eyor

C ty B ld g S

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PART 3

l f h by t the C ty of P th f p m n to fix a d m t to th of th p em es ow l/ by me at T w L t S b St t P th f th p d exp g d y of 191 d t m t w ll b t h and t ll w —

D t d th d y f 191

———

PART 4

Th C ty f P th d th h by p m t f t affix ad t m t n t e p n d h ppl t t the f th l w ed/ e p d by h m at l wı S b St e t l D ted th d y f 191

City B ld g S y

———

I l by th C ıl f th C ty of Pe th th d y f O t be 1916

FRANK R. REA

[L S] M y

WM E BOLD

T Cl

———

Re mm d d —

(Sgd ) WM J GEORGE

M t f W k and T ad g C

———

App d by H E ll y th G e or in Cou th 13th lay f D mbe 1916

(Sgd ) BERNARD PARKER

Cl k of the Co

By A th ty FRED WM SIMPSON Go t P ter Pe th

| No | of 193 | General and Revenue Secretariat |
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| Serial No | | | |

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